

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1073

Introduced by Assembly Member Liu

February 22, 2005

An act to amend Section 52616.17 of, to add Sections 52617 and 52618 to, and to repeal and add Section 52616.16 of, the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1073, as amended, Liu. Average daily attendance: growth formula.

Existing law authorizes the governing board of a high school district or unified school district to establish and maintain one or more adult schools by resolution of the governing board. Existing law sets forth formulas for the determination of the adult education revenue limit per unit of average daily attendance.

This bill would ~~state the intent of the Legislature to enact legislation that would revise the growth formula, used for purposes of determining the revenue limit, for adult education to operate like the growth formula for regional occupational centers and programs~~ *revise those formulas, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. It is the intent of the Legislature to enact~~
- 2 ~~legislation that would revise the growth formula, used for~~
- 3 ~~purposes of determining the revenue limit, for adult education to~~

1 operate like the growth formula for regional occupational centers
2 and programs.

3 *SECTION 1. Section 52616.16 of the Education Code is*
4 *repealed.*

5 ~~52616.16. (a) For the 1993-94 fiscal year, each school~~
6 ~~district's adult education revenue limit per unit of average daily~~
7 ~~attendance shall be determined as follows:~~

8 ~~(1) (A) Add the total apportionment the school district~~
9 ~~received for the 1991-92 fiscal year for its adult education~~
10 ~~program and the portion of its state apportionment that represents~~
11 ~~the funding for those secondary school pupils concurrently~~
12 ~~enrolled in adult education.~~

13 ~~(B) Add the school district's average daily attendance funded~~
14 ~~for the annual apportionment for the 1991-92 fiscal year for~~
15 ~~adult education and the portion of the district's funded regular~~
16 ~~average daily attendance for secondary school pupils~~
17 ~~concurrently enrolled in adult education.~~

18 ~~(C) Divide subparagraph (A) by subparagraph (B) to~~
19 ~~determine the school district's adult education revenue limit per~~
20 ~~unit of average daily attendance.~~

21 ~~(2) (A) For a school district offering adult education courses~~
22 ~~and classes pursuant to Section 41976.2, multiply the funded~~
23 ~~average daily attendance for the second principal apportionment~~
24 ~~made in the 1991-92 fiscal year for independent study pupils 21~~
25 ~~years of age or older and pupils 19 years of age or older who~~
26 ~~have not been continuously enrolled in kindergarten or any of~~
27 ~~grades 1 to 12, inclusive, since their 18th birthday, as calculated~~
28 ~~pursuant to Section 46300.1, as that section read on January 1,~~
29 ~~1992, by the statewide average funded adult education revenue~~
30 ~~limit for the 1992-93 fiscal year. This amount shall be added to~~
31 ~~the amount calculated pursuant to subparagraph (A) of paragraph~~
32 ~~(1) of this subdivision.~~

33 ~~(B) Determine the funded average daily attendance made in~~
34 ~~the second principal apportionment for the 1991-92 fiscal year~~
35 ~~for independent study pupils 21 years of age or older and pupils~~
36 ~~19 years of age or older who have not been continuously enrolled~~
37 ~~in kindergarten or any of grades 1 to 12, inclusive, since their~~
38 ~~18th birthday, as calculated pursuant to Section 46300.1, as that~~
39 ~~section read on January 1, 1992. This amount shall be added to~~

1 the amount calculated pursuant to subparagraph (B) of paragraph
2 (1) of this subdivision.

3 (3) If the amount determined in paragraph (1) is between one
4 thousand seven hundred seventy-five dollars (\$1,775) and two
5 thousand fifty dollars (\$2,050), that amount shall be the district's
6 adult education revenue limit per unit of average daily attendance
7 for the 1993-94 fiscal year.

8 (4) If the amount determined in paragraph (1) is greater than
9 two thousand fifty dollars (\$2,050), the difference between that
10 amount and two thousand fifty dollars (\$2,050) shall be
11 multiplied by 0.67 and that product shall be added to two
12 thousand fifty dollars (\$2,050). That amount shall be the
13 district's adult education revenue limit per unit of average daily
14 attendance for the 1993-94 fiscal year.

15 (5) If the amount determined in paragraph (1) is less than one
16 thousand seven hundred seventy-five dollars (\$1,775), the
17 difference between that amount and one thousand seven hundred
18 seventy-five dollars (\$1,775) shall be multiplied by .67 and that
19 product shall be subtracted from one thousand seven hundred
20 seventy-five dollars (\$1,775). That amount shall be the district's
21 adult education revenue limit per unit of average daily attendance
22 for the 1993-94 fiscal year.

23 (6) Any school district that establishes a new adult education
24 program and receives a state apportionment for adult education
25 on or after July 1, 1993, shall have an adult education revenue
26 limit per unit of average daily attendance equal to the statewide
27 average adult education revenue limit for the 1993-94 fiscal
28 year.

29 (b) For the 1994-95 fiscal year, each school district's adult
30 education revenue limit per unit of average daily attendance shall
31 be determined as follows:

32 (1) (A) Add the total apportionment the school district
33 received for the 1991-92 fiscal year for its adult education
34 program and the portion of its state apportionment that represents
35 the funding for those secondary school pupils concurrently
36 enrolled in adult education.

37 (B) Add the school district's average daily attendance funded
38 for the annual apportionment for the 1991-92 fiscal year for
39 adult education and the portion of the district's funded regular

1 average daily attendance for secondary school pupils
2 concurrently enrolled in adult education:

3 ~~(C) Divide subparagraph (A) by subparagraph (B) to~~
4 ~~determine the school district's adult education revenue limit per~~
5 ~~unit of average daily attendance.~~

6 ~~(2) (A) For a school district offering adult education courses~~
7 ~~and classes pursuant to Section 41976.2, multiply the funded~~
8 ~~average daily attendance for the second principal apportionment~~
9 ~~made in the 1991-92 fiscal year for independent study pupils 21~~
10 ~~years of age or older and pupils 19 years of age or older who~~
11 ~~have not been continuously enrolled in kindergarten or any of~~
12 ~~grades 1 to 12, inclusive, since their 18th birthday, as calculated~~
13 ~~pursuant to Section 46300.1, as that section read on January 1,~~
14 ~~1992, by the statewide average funded adult education revenue~~
15 ~~limit for the 1992-93 fiscal year. This amount shall be added to~~
16 ~~the amount calculated pursuant to subparagraph (A) of paragraph~~
17 ~~(1) of this subdivision.~~

18 ~~(B) Determine the funded average daily attendance for the~~
19 ~~second principal apportionment made in the 1991-92 fiscal year~~
20 ~~for independent study pupils 21 years of age or older and pupils~~
21 ~~19 years of age or older who have not been continuously enrolled~~
22 ~~in kindergarten or any of grades 1 to 12, inclusive, since their~~
23 ~~18th birthday, as calculated pursuant to Section 46300.1, as that~~
24 ~~section read on January 1, 1992. This amount shall be added to~~
25 ~~the amount calculated pursuant to subparagraph (B) of paragraph~~
26 ~~(1) of this subdivision.~~

27 ~~(3) If the amount determined in paragraph (1) is between one~~
28 ~~thousand seven hundred seventy-five dollars (\$1,775) and two~~
29 ~~thousand fifty dollars (\$2,050), that amount shall be the district's~~
30 ~~adult education revenue limit per unit of average daily attendance~~
31 ~~for the 1994-95 fiscal year.~~

32 ~~(4) If the amount determined in paragraph (1) is greater than~~
33 ~~two thousand fifty dollars (\$2,050), the difference between that~~
34 ~~amount and two thousand fifty dollars (\$2,050) shall be~~
35 ~~multiplied by 0.33 and that product shall be added to two~~
36 ~~thousand fifty dollars (\$2,050). That amount shall be the~~
37 ~~district's adult education revenue limit per unit of average daily~~
38 ~~attendance for the 1994-95 fiscal year.~~

39 ~~(5) If the amount determined in paragraph (1) is less than one~~
40 ~~thousand seven hundred seventy-five dollars (\$1,775), the~~

1 difference between that amount and one thousand seven hundred
2 seventy-five dollars (\$1,775) shall be multiplied by .34 and that
3 product shall be subtracted from one thousand seven hundred
4 seventy-five dollars (\$1,775). That amount shall be the district's
5 adult education revenue limit per unit of average daily attendance
6 for the 1994-95 fiscal year.

7 (6) Any school district that establishes a new adult education
8 program and receives a state apportionment for adult education
9 on or after July 1, 1993, shall have an adult education revenue
10 limit per unit of average daily attendance that is equal to the
11 statewide average adult education revenue limit for the 1994-95
12 fiscal year.

13 (e) For the 1995-96 fiscal year the adult education revenue
14 limit per unit of average daily attendance shall be one of the
15 following:

16 (1) The amount determined in paragraph (1) of subdivision (a).

17 (2) Two thousand fifty dollars (\$2,050) for any district that
18 had a 1993-94 fiscal year adult education revenue limit per unit
19 of average daily attendance determined pursuant to paragraph (4)
20 of subdivision (a).

21 (3) One thousand seven hundred seventy-five dollars (\$1,775)
22 for any district that had a 1993-94 fiscal year adult education
23 revenue limit per unit of average daily attendance determined
24 pursuant to paragraph (5) or paragraph (6) of subdivision (a).

25 (d) Commencing July 1, 1996, an inflation adjustment shall be
26 calculated for each district so that over time the adult education
27 revenue limit per unit of average daily attendance shall be the
28 same for all districts. A school district's adult education revenue
29 limit per unit of average daily attendance shall be the district's
30 prior fiscal year's adult education revenue limit per unit of
31 average daily attendance increased by a dollar amount calculated
32 as follows:

33 (1) Determine the dollar amount by multiplying the statewide
34 average funded adult education revenue limit per unit of average
35 daily attendance for the prior fiscal year by the inflation
36 adjustment used to increase revenue limits for unified school
37 districts pursuant to Section 42238.1.

38 (2) Determine a factor as follows:

~~(A) Multiply the highest funded adult education revenue limit per unit of average daily attendance in the state for the prior fiscal year by 1.02.~~

~~(B) Divide the amount determined in subparagraph (A) by the funded adult education revenue limit per unit of average daily attendance of the school district for the prior fiscal year.~~

~~(C) If the number determined in subparagraph (B) is greater than 1.10, that result shall be reduced to 1.10. If the number determined in subparagraph (B) is less than 1.02, that result shall be increased to 1.02.~~

~~(D) Subtract 1.0 from the number determined in subparagraph (C).~~

~~(E) Divide the number determined in subparagraph (D) by the inflation adjustment used to increase revenue limits for a unified school district pursuant to Section 42238.1.~~

~~(3) Multiply the dollar amount determined in paragraph (1) by the factor determined in paragraph (2).~~

~~(4) Add the amount determined in paragraph (3) to the funded adult revenue limit per unit of average daily attendance of the school district for the prior fiscal year. In no case shall any revenue limit per unit of average daily attendance be increased above the amount calculated in subparagraph (A) of paragraph (2).~~

~~The Superintendent of Public Instruction shall reallocate any amounts calculated for a district in excess of the amount calculated in subparagraph (A) of paragraph (2) to augment the inflation adjustments of other districts.~~

~~If the amount of funds needed to provide inflation adjustments calculated pursuant to this subdivision exceeds the amount appropriated in the annual Budget Act for adult education program inflation adjustments, the superintendent shall prorate the amounts calculated pursuant to this subdivision.~~

~~(e) When each district's adult education revenue per unit of average daily attendance is the same, each district, notwithstanding paragraphs (1) and (2) of subdivision (d), shall receive the same inflation adjustment calculated pursuant to the inflation adjustment used to increase revenue limits for unified school districts pursuant to Section 42238.1.~~

~~(f) If there is an average daily attendance audit adjustment for any of the 1990-91, 1991-92, or 1992-93 fiscal years, for~~

1 ~~purposes of calculating the district's adjusted adult education~~
2 ~~revenue limit pursuant to this section, the superintendent, with~~
3 ~~the approval of the Department of Finance, may waive the~~
4 ~~average daily attendance audit adjustment if the superintendent~~
5 ~~determines that the audit exception was minor or inadvertent, or~~
6 ~~both.~~

7 *SEC. 2. Section 52616.16 is added to the Education Code, to*
8 *read:*

9 *52616.16. The adult education revenue limit per unit of*
10 *average daily attendance shall be determined for a school*
11 *district as follows:*

12 *(a) Multiply the statewide average adult education revenue*
13 *limit per unit of average daily attendance for the prior fiscal year*
14 *by the inflation adjustment used to increase revenue limits for a*
15 *unified school district pursuant to Section 42238.1.*

16 *(b) Multiply the amount determined pursuant to subdivision*
17 *(a) by the lesser of the units of adult education average daily*
18 *attendance claimed for the current fiscal year or the units of*
19 *funded average daily attendance for the prior fiscal year.*

20 *(c) Subtract the units of funded average daily attendance for*
21 *the prior fiscal year from the units of average daily attendance*
22 *claimed for the current fiscal year and multiply the difference by*
23 *the amount computed pursuant to subdivision (a). If the product*
24 *is negative, it shall be deemed to be zero.*

25 *(d) The Superintendent shall apportion to a school district the*
26 *sum of the amounts computed pursuant to subdivisions (b) and*
27 *(c).*

28 *SEC. 3. Section 52616.17 of the Education Code is amended*
29 *to read:*

30 ~~52616.17. Commencing July 1, 1993, the Superintendent of~~
31 ~~Public Instruction shall determine an authorized limit of adult~~
32 ~~education average daily attendance for all high school districts~~
33 ~~and unified school districts that operated and claimed adult~~
34 ~~education state apportionment for the 1992-93 fiscal year, as~~
35 ~~follows:~~

36 ~~(a) For the 1993-94 fiscal year, the district's authorized adult~~
37 ~~education average daily attendance shall be one of the following:~~

38 ~~(1) The district's adult education average daily attendance~~
39 ~~added to the district's average daily attendance for concurrently~~
40 ~~enrolled high school pupils in adult education programs that was~~

1 certified for the annual principal apportionment report and for
2 which state apportionment for the 1991-92 fiscal year was
3 received.

4 (2) If the district's average daily attendance for concurrently
5 enrolled high school pupils in adult education used in paragraph
6 (1) exceeds 10 percent of the district's total average daily
7 attendance for all pupils in grades 9 to 12, inclusive, for the same
8 reporting period, the district's authorized adult education average
9 daily attendance pursuant to paragraph (1) shall be reduced by
10 multiplying the amount of certified average daily attendance for
11 concurrently enrolled high school pupils in adult education that
12 exceeds 10 percent by 0.33 and subtracting that amount from the
13 district's authorized adult education average daily attendance
14 pursuant to paragraph (1).

15 (3) For a school district offering adult education courses and
16 classes pursuant to Section 41976.2, add to the amount calculated
17 pursuant to paragraphs (1) or (2) the number of units of average
18 daily attendance claimed by that district for the second principal
19 apportionment made in the 1991-92 fiscal year for independent
20 study pupils 21 years of age or older and pupils 19 years of age
21 or older who have not been continuously enrolled in kindergarten
22 or any of the grades 1 to 12, inclusive, since their 18th birthday,
23 as calculated pursuant to Section 46300.1, as that section read on
24 January 1, 1992.

25 (b) For the 1994-95 fiscal year, the district's authorized adult
26 education average daily attendance shall be one of the following:

27 (1) The district's adult education average daily attendance
28 added to the district's average daily attendance for concurrently
29 enrolled high school pupils in adult education programs that was
30 certified for the annual principal apportionment report and for
31 which state apportionment for the 1991-92 fiscal year was
32 received.

33 (2) If the district's average daily attendance for concurrently
34 enrolled high school pupils in adult education used in paragraph
35 (1) exceeds 10 percent of the district's total average daily
36 attendance for all pupils in grades 9 to 12, inclusive, for the same
37 reporting period, the district's authorized adult education average
38 daily attendance pursuant to paragraph (1) shall be reduced by
39 multiplying the amount of certified average daily attendance for
40 concurrently enrolled high school pupils in adult education that

1 exceeds 10 percent by 0.67 and subtracting that amount from the
2 district's authorized adult education average daily attendance
3 pursuant to paragraph (1):

4 (3) For a school district offering adult education courses and
5 classes pursuant to Section 41976.2, add to the amount calculated
6 pursuant to paragraphs (1) or (2) the number of units of average
7 daily attendance claimed by that district for the second principal
8 apportionment made in the 1991-92 fiscal year for independent
9 study pupils 21 years of age or older and pupils 19 years of age
10 or older who have not been continuously enrolled in kindergarten
11 or any of the grades 1 to 12, inclusive, since their 18th birthday,
12 as calculated pursuant to Section 46300.1, as that section read on
13 January 1, 1992.

14 (e) For the 1995-96 fiscal year, the district's authorized adult
15 education average day attendance shall be one of the following:

16 (1) The district's adult education average daily attendance
17 added to the district's average daily attendance for concurrently
18 enrolled high school pupils in adult education programs that was
19 certified for the annual principal apportionment report and for
20 which the state apportionment for the 1991-92 fiscal year was
21 received:

22 (2) If the district's average daily attendance for concurrently
23 enrolled high school pupils in adult education used in paragraph
24 (1) exceeds 10 percent of the district's total average daily
25 attendance for all pupils in grades 9 to 12, inclusive, for the same
26 reporting period, the district's authorized adult education average
27 daily attendance pursuant to paragraph (1) shall be reduced by
28 multiplying the amount of certified average daily attendance for
29 concurrently enrolled high school pupils in adult education that
30 exceeds 10 percent by 1.00 and subtracting that amount from the
31 district's authorized adult education average daily attendance
32 pursuant to paragraph (1):

33 (3) For a school district offering adult education courses and
34 classes pursuant to Section 41976.2, add to the amount calculated
35 pursuant to paragraph (1) or (2), whichever is applicable, the
36 number of units of average daily attendance claimed by the
37 district for the second principal apportionment for the 1991-92
38 fiscal year for independent study pupils 21 years of age and older
39 and pupils 19 years of age or older who have not been
40 continuously enrolled in kindergarten, or any of grades 1 to 12,

1 inclusive, since their 18th birthday, as calculated pursuant to
2 Section 46300.1, as that section read on January 1, 1992.

3 ~~(d) For the 1996-97 fiscal year, and each fiscal year thereafter,~~
4 ~~a school district's adult education average daily attendance for~~
5 ~~apportionment purposes shall be its authorized adult education~~
6 ~~average daily attendance for the prior fiscal year multiplied by~~
7 ~~1.025.~~

8 ~~(e) Commencing~~

9 ~~(a) Commencing~~ July 1, 1996, a school district shall not certify
10 for apportionment purposes; that portion of any average daily
11 attendance in adult education programs generated by pupils who
12 are concurrently enrolled for apportionment purposes in high
13 school that exceeds 10 percent of the ~~district's~~ average daily
14 attendance for all pupils in grades 9 to 12, inclusive, for the same
15 reporting period.

16 ~~(f) It~~

17 ~~(b) It~~ is the intent of the Legislature that, commencing July 1,
18 1993, ~~each~~ a school district that conducted programs in the
19 1991-92 fiscal year through independent study for pupils 21
20 years of age or older and pupils 19 years of age or older who
21 have not been continuously enrolled in kindergarten or any of
22 grades 1 to 12, inclusive, since their 18th birthday, as calculated
23 pursuant to Section 46300.1, as that section read on January 1,
24 1992, continue to serve at least the same number of units of
25 average daily attendance through adult education for high school
26 diploma programs in all subsequent years as were funded through
27 those independent study programs in the 1991-92 fiscal year,
28 unless the school district governing board determines that
29 meeting this service requirement would incur costs in excess of
30 the revenue received.

31 *SEC. 4. Section 52617 is added to the Education Code, to*
32 *read:*

33 *52617. The Superintendent shall determine the funded growth*
34 *adult education average daily attendance for a school district by*
35 *computing the sum of both of the following:*

36 *(a) Subtract the units of funded adult education average daily*
37 *attendance for the prior fiscal year from the units of funded*
38 *average daily attendance for the fiscal year preceding the prior*
39 *fiscal year. If the amount is negative, it shall be deemed to be*
40 *zero.*

1 ***(b) The funded units of adult education average daily***
2 ***attendance for the prior year multiplied by 1.025.***

3 ***SEC. 5. Section 52618 is added to the Education Code, to***
4 ***read:***

5 ***52618. If the funds appropriated for purposes of this article***
6 ***are insufficient to fully fund the authorized apportionments, the***
7 ***Superintendent shall reduce the amounts computed pursuant to***
8 ***Section 52616.16 for each school district based on equal***
9 ***amounts per unit of adult education average daily attendance,***
10 ***consistent with the following priorities:***

11 ***(a) First priority shall be given to fully funding adult***
12 ***education average daily attendance that is less than or equal to***
13 ***the adult education average daily attendance funded in the prior***
14 ***fiscal year.***

15 ***(b) Second priority shall be given to fully funding growth adult***
16 ***education average daily attendance determined pursuant to***
17 ***Section 52617.***

18 ***(c) Third priority shall be given to funding adult education***
19 ***average daily attendance that exceeds the sum of the adult***
20 ***education average daily attendance specified in subdivisions (a)***
21 ***and (b).***